

Remarks

In the outstanding Office Action, the Examiner has rejected claims 8-9, 32-34, 37-38 and 40 under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 6,400,019, issued in the names of Hirashima et al., (hereinafter "Hirashima"), in view of United States Patent No. 6,387,830, issued in the names of Blumberg et al., (hereinafter "Blumberg"). The Examiner has rejected claims 10-11, 13-14, 16, 20, 23-24, 28-30 and 35 under 35 U.S.C. §103(a) as being unpatentable over Hirashima and Blumberg in view of United States Patent No. 6,489,180, issued in the names of Tsai et al., (hereinafter "Tsai"). The Examiner has rejected claims 16, 23-24 and 27-31 under 35 U.S.C. §103(a) as being unpatentable over Hirashima, Blumberg and Tsai in view of United States Patent No. 6,483,043, issued in the name of Kline, (hereinafter "Kline"). The Examiner has rejected claims 37-40 under 35 U.S.C. §103(a) as being unpatentable over Hirashima, Blumberg and Kline.

Claims 8-11, 13-16, 20, 23-24 and 27-40 were originally presented for Examination. Claim 36 has been cancelled by way of the present Response. Claim 10 has been amended by way of the present Response. Claims 8-11, 13-16, 20, 23-24, 27-35 and 37-40 are currently pending, of which, claims 8 and 10 are in independent form. Favorable reconsideration of the present Response as currently constituted is respectfully requested.

Rejections Under 35 U.S.C. §103(a)

Claims 8-9, 32-34, 37-38 and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hirashima in view of Blumberg. Claims 10-11, 13-14, 16, 20, 23-24, 28-30 and 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hirashima and Blumberg in view of Tsai. Claims 16, 23-24 and 27-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hirashima, Blumberg and Tsai in view of Kline. Claims 37-40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hirashima, Blumberg and Kline.

In each of the §103(a) rejections, the Examiner relies on Hirashima, which is prior art under 35 U.S.C. §102(e). Applicant respectfully resubmits herewith a Declaration Under 37 C.F.R. §1.131 to establish conception of the subject matter of the above-captioned application, and in particular independent claims 8 and 10, in the United States at a date prior to November 9, 2000, i.e., the effective date of Hirashima. To establish diligence from a date prior to November 9, 2000 to the constructive reduction to practice of the present invention, Applicant presents the following Exhibits into the record:

Exhibit 1. Invention Disclosure Form of the inventor, Mr. Pierce, stating that the invention was first conceived on September 1, 2000;

Exhibit 2. Written Summary of the invention prepared by Mr. Pierce on September 14, 2000;

Exhibit 3. Patent Search related to "Method for Constructing a Wafer Interposer by Using B-Stage Laminates" dated October 5, 2000;

Exhibit 4. Declaration of Applicant's patent attorney, Daniel J. Chalker, describing the steps taken between September 21, 2000 and December 14, 2000 to prepare and file the instant patent application;

Exhibit 5. Declaration and Power of Attorney executed by Mr. Pierce on December 14, 2000; and

Exhibit 6. Patent Application Transmittal Letter and Return Receipt Postcard demonstrating constructive reduction to practice of the present patent application on December 15, 2000.

The Exhibits 1-6 demonstrate diligence from conception on September 1, 2000 to constructive reduction to practice on December 15, 2000. Specifically, the invention was conceived on September 1, 2000 (Exhibit 1). Mr. Pierce prepared and formalized a written summary of the invention including drawings between September 1, 2000 and September 14, 2000 (Exhibit 2). The patent committee of Micro-ASI, Inc. ("Micro-ASI"), inventor John Pierce's employer, met on September 21, 2000, wherein a patent search was commissioned (Exhibit 4). Upon receiving the written summary of the invention, the law firm of Gardere Wynne Sewell, LLP ("Gardere") conducted a

patent search for issued United States patents relating to the instant invention which was overseen by patent attorney Daniel J. Chalker between September 21, 2000 and October 5, 2000 (Exhibit 4). Mr. Chalker presented the results of the patent search to the Micro-ASI patent committee on October 5, 2000 (Exhibit 4). On October 19, 2000, the Micro-ASI patent committee approved the preparation of the patent application for the instant invention (Exhibit 4). Mr. Chalker oversaw the preparation of a draft patent application between October 19, 2000 and November 30, 2000 and presented the draft application to the Micro-ASI patent committee on November 30, 2000 (Exhibit 4). Between November 30, 2000 and December 15, 2000, Mr. Chalker oversaw the completion of the instant patent application including the preparation of formal drawings and a Declaration and Power of Attorney (Exhibit 4). Mr. Pierce executed the Declaration and Power of Attorney for the instant patent application on December 14, 2000 (Exhibit 5). Mr. Chalker oversaw the filed the instant patent application on December 15, 2000 (Exhibits 4 & 6). Based upon his considerable experience, Mr. Chalker states that "Gardere diligently prepared and filed the above-captioned patent application."

Exhibits 1-6 demonstrate the diligence by Mr. Pierce and Gardere from conception on September 1, 2000 to constructive reduction to practice on December 15, 2000. Applicant respectfully submits that the resubmitted Declaration in combination with

Exhibits 1-6 cure any deficiencies of Applicant's Response filed March 18, 2004.

Accordingly, Applicant respectfully submits that the present invention, as defined by independent claims 8 and 10, was conceived prior to Hirashima and diligently reduced to practice on December 15, 2000. Hence, the §103(a) rejections are rendered moot with respect to independent claims 8 and 10. Applicant respectfully requests withdrawal of the outstanding §103(a) rejections and allowance of claims 8 and 10. Further, Applicant respectfully requests withdrawal of the outstanding §103(a) rejections and allowance of claims 9, 11, 13-14, 16, 20, 23-24 and 27-35 and 37-40, which depend from claims 8 and 10 and add further limitations.

Fee Statement

Compared to the initial filing, in the present Response, the number of independent claims has decreased and the total number of claims has decreased. Accordingly, Applicant believes no fees are due for the filing of this Response. However, if fees are due, please charge our deposit account (Account No. 03-1130).


Conclusion

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the outstanding objections and rejections and allow claims 8-11, 13-16, 20, 23-24, 27-35 and 37-40

presented for reconsideration herein. Accordingly, a favorable action in the form of an early notice of allowance is respectfully requested. The Examiner is requested to call the undersigned for any reason that would advance the instant application to issue.

Dated this 23rd day of August, 2004.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Lawrence R. Youst", written over a horizontal line.

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